

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Meade School District
Accountability Review - Focus Monitoring Report 2008-2009**

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Dates of On Site Visit: October 28th and 29th, 2008

Date of Report: November 25, 2008

Closed: November 25, 2008

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 2, 2005.

ARSD 24:05:25:04 Evaluation procedures

The school district shall ensure a variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parents that may assist in determining whether the child is a child with a disability and content of the child's IEP. The school district shall ensure the child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

In three student files, evaluations did not include the area of behavior. File information reviewed indicated the presence of behavior concerns, including the requirement for continuous prompts, late assignments, inappropriate behavior, missing materials or assignments and requires daily assistance to complete independent work.

Follow-up: October 28th & 29th, 2008

Finding:

Through a review of student records, the team found that behavior evaluations were conducted for students with behavior concerns. The district also developed positive intervention strategies for students whose behavior impeded learning. If Other Health Impairment, due to ADHD or Emotional Disturbance is the suspected eligibility area, behavior evaluations must be considered. As most tests are not well normed and can be very subjective the team recommends providing two measures at a minimum that can show the validity of the scores and support the results.

Corrective Action: None

2. GENERAL SUPERVISION

ARSD 24:05:24:01:09 Developmental delay defined.

A student three, four, or five years old maybe identified as a student with a disability if the student has one of the major disabilities listed in 24:05:24.01:01 or if the student experiences a severe delay in development. A student with a severe delay in development functions at a developmental level two or more standard deviations below the mean in any one area of development specified in this section or 1.5 standard deviations below the mean in two or more areas of development. The areas of development are cognitive development, physical

development, communication development, social and emotional development, and adaptive functioning skills. The student may not be identified as a student with a disability if the student's delay in development is due to factors related to environment, economic disadvantage, or cultural difference. A district is not required to adopt and use the term developmental delay for any students within its jurisdiction. If a district uses the term developmental delay, the district must conform to both the division's definition of the term and to the age range that has been adopted by the division. A district shall ensure that all of the student's special education and related services needs that have been identified through the evaluation procedures described under chapter 24:05:25 are appropriately addressed.

A student with a date of birth 12-7-97 was evaluated in September and October of 2004. The student turned 6 on 12-7-03 therefore, the evaluation was not completed prior to the student's 6th birthday.

Follow-up: October 28th & 29th, 2008

Finding:

Evaluations were completed and eligibility was determined, in a category other than developmental delay, for five students prior to their sixth birthday.

Corrective Action: None

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 2, 2005.

24:05:22:03. Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count.

The review team identified the following issues regarding two students:

1. Tests scores for student # 1 yielded an IQ of 73 with the lowest achievement score of 73. A regression score of 67 or below would be needed to verify eligibility under the category of learning disabled. The IEP team determined an IEP team override was needed. The override form did not explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student.
2. Student # 2 was formerly listed on the 2003 child count as Other Health Impaired and then changed to Autism on the 2004 child count. The evaluation team reevaluated the student in April-May of 2004. The team administered an intelligence test, an achievement test, behavior assessment and gathered functional information however, did not include information to support placement in the area of autism. Following that evaluation the team referred the student to Jean Hoem, MS, LPC-MH, QMHP for further evaluation. Ms. Hoem did not complete an autism evaluation but made a diagnosis of asperger's disorder based on observation and review of previous intelligence scores.

Follow-up: October 28th & 29th, 2008

Finding:

Through a review of files for three students identified under the category of Autism, the team noted that evaluation information was present in the files to support the identified disability.

Through a review of files for seven students placed into special education through the override provision, the team noted much improvement in current override documentation. Technical assistance was provided and examples of override documentation were provided to the district for future reference.

Corrective Action: None

4. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 2, 2005.

ARSD 24:05:27:01.03 Content of IEP

Each student's individualized education program shall include a statement of measurable annual goals, including benchmarks or short-term objectives related to: meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and meeting each of the student's other educational needs that result from the student's disability.

In 12 of 42 files reviewed, the monitoring team noted annual goals are directly taken from the content standards and therefore broad, vague and not measurable. The words increase, appropriate and improve were consistently used in the writing of annual goals. Example:

- The student will develop and use number sense to investigate the characteristics of numbers in a variety of forms and modes of operation. (G4)
- The student will write effectively for different audiences and specific purposes.
- The student will correctly answer comprehension questions at a 5.3 reading level.
- The student will demonstrate appropriate classroom skills.
- The student will use and apply stimulus, patterns, environment and written work from various media outlets for comprehension (extended standard E.R. 1.2 and 1.3)
- The student will speak effectively in a variety of formal and informal situations.

Follow-up: October 28th & 29th, 2008

Finding:

Through a review of student IEPs, the review team noted that annual goals were no longer taken from content standards. For the most part, goals were skill based and contain the condition, performance and criteria.

Corrective Action: None

5. GENERAL SUPERVISION

State Performance Plan: Indicator 10: Indicates there is a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

24:05:17:10. Overidentification and disproportionality. The department shall provide for the collection and examination of data to determine whether any inappropriate overidentification or significant disproportionality based on race and ethnicity is occurring in the state and in districts of the state with respect to:

(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in chapter 24:05:24.01;

(2) The placement in particular educational settings of these children; and

(3) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of inappropriate overidentification or significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular settings of these children, the department shall provide for the review of and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure compliance with the requirements of Part B of the Individuals with Disabilities Education Act; require any district identified under this section to reserve the maximum amount of funds allowable to provide comprehensive coordinated early intervening services to serve children in the district, particularly, but not exclusively, children in those groups that were significantly overidentified under this section; and require the district to publicly report on the revision of policies, practices, and procedures described under this section.

Follow-up: October 28th & 29th, 2008

Finding:

In reviewing the district's evaluation policies, procedures and practices, the monitoring team could not identify any inconsistencies that would result in a higher identification rate of students with specific learning disabilities. Through all the files reviewed, there was a possibility two students could have been determined eligible in the other health impaired category; however, evaluation data support the IEP team's decision of specific learning disability as the primary disability. The district accepted grade equivalent data for determining if the student met the South Dakota eligibility criteria for one student who transferred into the district from out-of state. The team recommends the district closely review the evaluation data from out of state transfers and to determine if additional achievement information is needed. Overall, the district's evaluation procedures meet the requirement of ARSD 24:05:25:04.

Corrective Action: None

6. GENERAL SUPERVISION

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Finding: On-site October 14 & 15, 2008

Through a review of 14 student files, data gathered by the team indicated accommodations/modifications related to the skill areas affected by the disability, were provided in the student's instructional program and accommodations identified in the IEPs for State/District wide assessment were used during the assessment administration.

Corrective Action: None